

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Stephen Abrams-Downey	Team: Squad #1	CCRB Case #: 201502218	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 03/23/2015 , NA, 03/__/2015 2:30 AM	Location of Incident: [REDACTED]	Precinct: 115	18 Mo. SOL 9/1/2016	EO SOL 9/1/2016	
Date/Time CV Reported Wed, 03/25/2015 3:27 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 03/25/2015 3:27 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. SGT John Rajan	01569	898342	115 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT John Rajan	Discourtesy: Sgt. John Rajan acted discourteously toward § 87(2)(b) [REDACTED]	[REDACTED]
B.SGT John Rajan	Off. Language: Sgt. John Rajan made remarks to § 87(2)(b) [REDACTED] based upon ethnicity.	[REDACTED]
C.SGT John Rajan	Force: Sgt. John Rajan used physical force against § 87(2)(b) [REDACTED]	[REDACTED]
D.SGT John Rajan	Abuse: Sgt. John Rajan searched § 87(2)(b) [REDACTED]	[REDACTED]

Case Summary

On March 25, 2015, § 87(2)(b) filed this complaint with the CCRB by phone (Board Review 01).

At approximately 2:30 a.m. on an unknown date in March 2015, § 87(2)(b) got into a dispute with his neighbor, § 87(2)(b) near his house at § 87(2)(b) in Queens. § 87(2)(b) has been engaged in a dispute with § 87(2)(b) for over a year and called the police to report the most recent interaction. § 87(2)(b) was not present by this time. Multiple officers, including Sgt. John Rajan, arrived at the location and approached § 87(2)(b). Sgt. Rajan said that § 87(2)(b)'s cane could be used as a weapon. He then grabbed the cane and threw it to the ground (**Allegation A**). Sgt. Rajan then called § 87(2)(b) a “fucking Hispanic” (**Allegation B**). Sgt. Rajan walked towards § 87(2)(b) and grabbed the front collar of his shirt (**Allegation C**). Some of § 87(2)(b)'s skin was caught in Sgt. Rajan's grip, but § 87(2)(b) did not have any difficulty breathing and he did not sustain any injuries. Sgt. Rajan released § 87(2)(b)'s collar and told him to raise his hands above his head. Sgt. Rajan then put his hands inside § 87(2)(b)'s two front pants pockets and removed his wallet and keys. Sgt. Rajan also unzipped § 87(2)(b)'s jacket and took out his cellphone, which was inside a pouch hanging from § 87(2)(b)'s neck (**Allegation D**). An officer told § 87(2)(b) that he should only call the police in an emergency. All of the officers returned to their vehicles and drove away. § 87(2)(b) was not issued a summons or arrested during the incident (§ 87(2)(b)'s statement Board Review 02).

Mediation, Civil, and Criminal Histories

§ 87(2)(b) rejected mediation because he had no desire to speak with the subject officer. As of July 7, 2015, § 87(2)(b) has not filed a notice of claim regarding this incident (Board Review 03). § 87(2)(b) does not have any criminal convictions (Board Review 04).

Civilian and Officer CCRB Histories

- § 87(2)(b) has filed one previous CCRB complaint, case 201312052. § 87(2)(g)
- Sgt. John Rajan has been a member of the NYPD for twenty-four years. He has had fifty-four allegations made against him as part of seventeen other cases. Sgt. Rajan has not had any discourteous action allegations pleaded against him. In case 200803734 a search allegation was substantiated against Sgt. Rajan. Sgt. Rajan has not had any prior offensive language allegations made against him (Board Review 06).

Findings and Recommendations

Explanation of Subject Officer Identification

§ 87(2)(b) described the subject officer as a § 87(2)(b) with § 87(2)(b) hair who was between 45 and 50 years old. Sgt. Rajan, who was § 87(2)(b)-years-old at the time of the incident, is a § 87(2)(b) with § 87(2)(b) hair, closely matching § 87(2)(b)'s description. In his CCRB testimony, Sgt. Rajan stated that he has had previous interactions with § 87(2)(b) who regularly calls the 115th Precinct to file complaints against his neighbor. However, Sgt. Rajan did recall this particular incident (Board Review 07).

Potential Issues

The investigation was unable to determine the date of this incident. In his initial intake call, which took place at 3:27 p.m. on March 25, 2015, § 87(2)(b) stated that the incident occurred at approximately 2:30 a.m. on March 23, 2015. In his CCRB interview, which took place on March

26, 2015, § 87(2)(b) stated that the incident occurred at approximately 11:30 p.m. on March 22, 2015. The Sprint Index was requested for the vicinity of the incident location between March 22, 2015 and March 25, 2015. These documents did not indicate any police activity in the area (Board Review 08). The SPIA indicated that no 911 calls were made from § 87(2)(b)'s home address between March 15, 2015 and March 24, 2015. A call was recorded at 8:20 p.m. on March 25, 2015. However, this was nearly seven hours after § 87(2)(b) filed his complaint with the CCRB (Board Review 09). Finally, Sgt. Rajan testified that he was not on duty on March 22, 2015 or March 23, 2015. Sgt. Rajan also stated that, based on the tours he was working, he would not have been on duty at 12:50 a.m. on either March 24, 2015 or March 25, 2015. Based on this information, the investigation was unable to determine the date of § 87(2)(b)'s interaction with Sgt. Rajan.

Allegations Not Pleaded

- § 87(2)(b) alleged that Sgt. Rajan called him a “fucking Hispanic” during their interaction. The discourteous language in this statement has been subsumed within the more serious offensive language allegation and has not been pleaded separately.
- § 87(2)(b) alleged that Sgt. Rajan grabbed the front of his collar during this incident. § 87(2)(b) did not describe any pressure to his throat and he did not have any difficulty breathing at any point. NYPD Patrol Guide Procedure 203-11 describes a chokehold as “any pressure to the throat or windpipe, which may prevent or hinder breathing or reduce intake of air” (Board Review 10). Therefore, no chokehold allegation was pleaded against Sgt. Rajan for this incident.

Recommendations

Allegation A—Discourtesy: Sgt. John Rajan acted discourteously to § 87(2)(b)

§ 87(2)(b) alleged that Sgt. Rajan grabbed his cane and threw it to the ground when he and the other officers first arrived at the incident location. Sgt. Rajan allegedly told § 87(2)(b) that the cane could be used as a weapon before taking this action. Sgt. Rajan did not recall this particular incident. However, he stated that he has had previous interactions with § 87(2)(b) and denied throwing his cane to the ground on these occasions. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation B—Offensive Language: Sgt. John Rajan made remarks to § 87(2)(b) based upon ethnicity.

§ 87(2)(b) testified that Sgt. Rajan referred to him as a “fucking Hispanic” during this interaction. In his CCRB statement, Sgt. Rajan denied making this statement in any of his interactions with § 87(2)(b) § 87(2)(b), § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation C—Force: Sgt. John Rajan used physical force against § 87(2)(b)

§ 87(2)(b) alleged that Sgt. Rajan grabbed the front collar of his shirt during this incident. § 87(2)(b) stated that some of the skin of his neck was caught in Sgt. Rajan's grip at this time. However, § 87(2)(b) did not have any difficulty breathing and was not injured. Sgt. Rajan denied taking this action and he did not see any other officer grab § 87(2)(b) by the neck. § 87(2)(b)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation D—Abuse of Authority: Sgt. John Rajan searched § 87(2)(b)

§ 87(2)(b) testified that Sgt. Rajan reached inside his two front pants pockets and removed his keys and wallet. Sgt. Rajan then allegedly unzipped § 87(2)(b)'s jacket and took out his cellphone, which was inside a pouch tied around his neck. Sgt. Rajan stated that neither he nor any other officer took these actions. § 87(2)(b), § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

Team: _____

Investigator:	_____	_____	_____
	Signature	Print	Date

Supervisor:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date